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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,121	04/16/2004	Charles Bolta	B012.PAT-5	9882
7590	07/25/2006		EXAMINER	
Emery L. Tracy P.O. Box 1518 Boulder, CO 80306-1518			ST CYR, DANIEL	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 10/826,121	Applicant(s) BOLTA, CHARLES	
	Examiner Daniel St.Cyr	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 5/05/06.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5-7, 11-13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al, US Patent No. 6,860,048, in view of Wen, US Patent No. 5,797,688.

Foster et al disclose an optical disk label comprising: a label 10 having a label substrate 20, a writeable material 22, and an adhesive 24; the label substrate 20 is comprised of a base layer 26 and a phosphorescent material 28 capable of emitting absorbed light and providing glow in the dark (after-glow photo-luminescent), the label substrate 20 further defines a front side 30 and a back side 32; the writeable material 22 is applied to the front side 30 of the label substrate 20, whereas the adhesive 24 is applied to the back side 32; the writeable material 22 provides the indicia-receiving surface 16, whereas the adhesive 24 serves to secure the label 10 to an optical disc. (see figs. 1-4; col. 3, line 61+).

Foster et al fail to disclose that the indicia on the indicia-receiving surface is a bar code.

Wen discloses that compact discs are often coated with a printable surface opposite to the surface from which the data is recorded and retrieved; a label may be printed on the printable surface, the label content may comprise logos, trademarks, text, graphics, bar codes, etc. (see col. 1, lines 39-49).

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In view of Wen's disclosure, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the teachings of Foster et al so that a bar code indicia is on the indicia receiving surface. Such modification would provide means to store information to effectively process and identify each optical disk. With respect to indication of the bar code, such as indicating hazardous material, indicating a critical step, etc., these are just merely specific method of used, which are obvious. Therefore, it would have been an obvious extension as taught by Foster et al.

4. Claims 3, 4, 8-10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster et al as modified by Wen as applied to claims 1, 2, 6, 7 above, and further in view of Kennedy, US Patent No. 6,832,728.

Foster et al as modified by Wen fail to disclose or fairly suggests that the bar code is black and a reflective tape surrounding the bar code.

Kennedy discloses Kennedy discloses a remote indicia reading system comprising: a device 44) a photo luminescent material 14 applied to the device 44; and bar code print applied to the device over the photo luminescent material (see figure 2; col. 5, line 8+), the bar code is printed in black (see figure 2); a reflective border 14 surrounding the bar code (see fig. 2), wherein the reflective border is a reflective tape (col. 2, lines 44-54).

In view of Kennedy's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Foster et al as modify by Wen to print the bar code with standard black ink and to border the bar code with a reflective tape so as to enhance the code and to provide optimal reading. Since it is customary to employ black ink for printing bar code symbols, it would provide greatest compatibility. With respect to

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bordering the bar code with a reflective tape, it would provide more optimal reading by reflecting maximum light into reading devices reading the bar code. Therefore, it would have been an obvious extension as taught by Foster et al as modified by Wen.

Response to Arguments

5. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

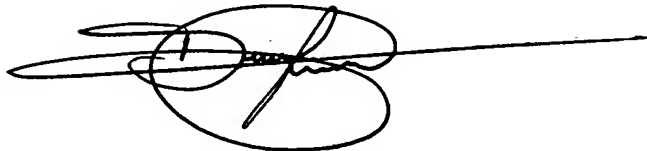
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel St.Cyr
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', with a long horizontal line extending to the right.

DS
July 17, 2006